

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

WALTER JONES,)	
)	
Plaintiff,)	
)	
vs.)	No.
)	
)	
TWIN EXPRESS, INC. and JAMES MERRILL)	
)	
Defendants.)	

NOTICE OF REMOVAL

NOW COME Defendants, TWIN EXPRESS, INC. and JAMES MERRILL, by and through their attorneys, CHILTON YAMBERT & PORTER LLP, pursuant to Title 28 U.S.C. §§ 1332, 1441 and 1446, hereby file their Notice of Removal of the cause entitled *Walter Jones v. Twin Express, Inc. and James Merrill*, filed in the Law Division of the Circuit Court of Cook County, Illinois under case number 2009 L 004701.

As their grounds for removal, Defendants state as follows:

1. That Plaintiff commenced an action against the above-referenced Defendants on or about April 21, 2009 by filing Plaintiff's Complaint at Law in the Law Division of the Circuit Court of Cook County, Illinois under case number 2009 L 004701. A true and correct copy of the Complaint and Summons is attached hereto and made a part of this Notice as Exhibit "A".

2. That Defendant, Twin Express, Inc., is a citizen of the State of Minnesota. That Twin Express, Inc. has its principal place of business at 21840 Industrial Court, Suite 100, Rogers, MN 55374. That Defendant, James Merrill, is a citizen of the State of Minnesota and was a citizen of Minnesota at the time of the alleged incident. See

Affidavit of Diane Ayres, attached as Exhibit "B" and Affidavit of James Merrill attached hereto as Exhibit "C."

3. That attached hereto as Exhibit "A" is the Complaint filed in the Circuit Court of Cook County, Illinois, Court No. 2009 L 004701 entitled *Walter Jones v. Twin Express, Inc.*

4. That based on information and belief, Plaintiff, Walter Jones, is a citizen of the State of Illinois.

5. That the State Court action is an action for civil damages by Walter Jones for personal injuries. No specific dollar amount for damages is alleged on the face of the Complaint, but the amount in controversy is believed to exceed \$75,000, exclusive of interest and costs. Defendants hold this reasonable belief based on the allegations of the Complaint, which requests an unspecified amount in excess of \$50,000, and makes the following allegations regarding Walter Jones injuries:

- (a) He was "caused to suffer diverse temporary and permanent injuries";
- (b) He has "expended and incurred obligations for medical expenses and care and will in the future expend and incur such further obligations";
- (c) He "has been prevented from attending the usual affairs and duties and has become responsible for the medical bills."

6. 28 U.S.C. § 1332 provides that:

- (a) The District Court shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between
 - (1) citizens of different states;
 - (2) citizens of a State and citizens or subjects of a foreign state . . .

7. Accordingly, this action is removable under 28 U.S.C. §1441, which provides:

- (a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

WHEREFORE, Defendants, TWIN EXPRESS, INC. and JAMES MERRILL, file their Notice of Removal, removing the State Court action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois.

s/ Nicholas Johnson
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